

Application No. 10/731,224 (LVM 225602)

Reply to Office Action

*REMARKS**Status of the Application*

Claims 1-18, 77-84, and 91-96 are pending in this application. By this amendment, claims 2, 3, 77-83, and 91-96 have been cancelled. Claims 1, 4, 7, 12, 18, and 84 have been amended. New claims 97-154 have been added. By entering this amendment, claims 1, 4-18, 84, 97-154 are pending.

Claim 1 has been amended to incorporate the claim limitation of claim 3. Claims 4, 7, and 12 have been amended to be in proper dependent forms. Claim 18 has been amended to add a claim limitation of claim 84. Claim 84 has been amended to independent form. New independent claims 103, 105, and 107 reflect the independent forms of previous claims 7, 12, and 14, respectively.² All other new claims are dependent claims. Support for these dependent claims can be found, for example, on page 6, lines 7-8; page 11, lines 29-30; page 14, lines 19-22; and page 5, lines 1-7. No new matter has been added by way of these amendments.

With respect to claim amendments and cancellation, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants expressly reserve the right to pursue prosecution of any presently excluded subject matter or claim embodiments in one or more future continuation and/or divisional application(s).

Allowable claims

Applicants gratefully acknowledge the Examiner's indication that claims 4, 7-8, 12-17, and 84 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that claim 84 has been rewritten in an independent form. Claims 128-147 and 152-154 depend on claim 84. New

² Claims 103 and 105, however, do not recite the limitation "wherein the pharmaceutical composition is a liquid."

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claims 103, 105, and 107 reflect the independent forms of previous claims 7, 12, and 14, respectively.³ Claims 104 and 106 depend on claims 103 and 105, respectively. Claims 4, 15-17 now properly depend on amended claim 1, and have maintained their original scope. Accordingly, Applicants respectfully submit that claims 4, 15-17, 84, 103-107, 128-147, and 152-154 are allowable.

Withdrawal of Objections and Rejections

Applicants respectfully acknowledge with appreciation that the 35 U.S.C. § 112, second paragraph rejection of claims 1-18, 77-84, 91-93, as maintained in the Office Action mailed on February 16, 2005, is withdrawn.

Rejections under 35 U.S.C. §112, first paragraph

Claims 3 and 94-96 are rejected as allegedly failing to comply with the written description requirement. The Examiner stated that there was inadequate written support for the phrase "and derivatives thereof." Applicants respectfully submit that claims 3 and 94-96 have been cancelled. Claim 1, which otherwise incorporates the claim limitation of claim 3, does not contain the phrase "and derivatives thereof." Therefore, Applicants respectfully submit that the rejection is rendered moot by the claim amendment and respectfully request that this rejection be withdrawn.

Rejections under 35 U.S.C. § 102(b)

Claims 1-2, 5, and 18 are rejected as allegedly being anticipated by Yang et al. Claim 1 has been amended to incorporate the claim limitation of claim 3, which is not rejected under this provision.⁴ Claim 2 has been cancelled. Claim 5 depends on amended claim 1. Claim 18 has been rewritten to incorporate the limitation of claim 84, which the Examiner has stated would be

³ Claims 103 and 105, however, do not recite the limitation "wherein the pharmaceutical composition is a liquid."

⁴ The limitation of claim 3 as it appears in now amended claim 1 does not contain the term "or its derivatives."

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allowable if in independent form. Applicants therefore respectfully submit that the rejection is rendered moot by the claim amendments and respectfully request that this rejection be withdrawn.

Claims 1, 5-6, 9-11, and 18 are rejected as allegedly being anticipated by Ritov et al. Claim 1 has been amended to incorporate the claim limitation of claim 3, which is not rejected under this provision. Claims 5-6 and 9-11 depend on amended claim 1. Claim 18 has been rewritten to incorporate the limitation of claim 84, which the Examiner has stated would be allowable if in independent form. Applicants therefore respectfully submit that the rejection is rendered moot by the claim amendments and respectfully request the withdrawal of this rejection.

Claims 77-83 and 91-93 are rejected as allegedly being anticipated by Paal et al. Claims 77-83 and 91-93 have been cancelled. Therefore, Applicants respectfully submit that the rejection is rendered moot by the claim amendments and respectfully request that this rejection be withdrawn.

Double Patenting Rejection

The Office Action provisionally rejected claims 77-79 and 91-93 under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-4 of copending Application No. 10/616,709. Claims 77-79 and 91-93 have been cancelled. Therefore, Applicants respectfully submit that the rejection is rendered moot by the claim amendments and respectfully request that this rejection be withdrawn.

Conclusion

Applicants submit that the application is in good and proper form for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

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Respectfully submitted,


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